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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,346

Applicant(s)

BLUME ET AL.

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 - 40 have been examined.
Amendment to claims were minor.

Specification

1. The amended abstract has been entered.

Information Disclosure Statement

2. An Information Disclosure in the form of NPL was received. No PTO-1449 was received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S. C. 102 that for basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use sale in this country. more than one year prior to the date of application for patent in the United States.

3. Claims 1- 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Template

Software's Workflow product from 1997 copyrighted document from 1998.

The Template product line contains:

The SNAP programming language (Not used in this Office Action)

The Workflow Template (Two manuals used)

The Web Component (Not used in this Office Action)

These three layered products work together.

The documentation sets for the products contains the following manuals.

SNAP released June 1997

SNAP Language Reference (Not used in this Office Action)

Using the SNAP Language (Not used in this Office Action)

Using the SNAP Communication Component (Not used in this Office Action)

Using the SNAP Graphic User Interface Component (Not used in this Office Action)

Getting Started with SNAP (Not used in this Office Action)

Using the SNAP Display Editors (Not used in this Office Action)

SNAP Class Library Reference (Not used in this Office Action)

Using the SNAP External Application Software Component (Not used in this Office Action)

Using the SNAP Development Environment (Not used in this Office Action)

SNAP Module Library Reference (Not used in this Office Action)

Using the SNAP Permanent Storage Component (Not used in this Office Action)

Workflow released September 1997

Developing a WFT Workflow System (Referred to as WFT)

Using the WFT Development Environment (Referred to as Using)

WFT Library Reference (Not used in this Office Action)

Web Component

Using the Web Component (Referred to as WEB)

Training Manuals

SNAP 8.0 Application Developer's Training Course – (in part **Train**)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipated by a product offering. Furthermore, with the 199' release announcing version 8.0 these considered prior art under In re Epstein 31 USPQ2d

(decided August 17, 1994) with a 1997 release date despite the 1998 copyright date.

Claim 1

Template anticipates a method for creating an electronic document (**Using**, page 3-3, work item) description of a computing environment ins on first computing hardware (**Using**, page 3-5, see figure 3-1 and Chapter 7 Application editor ties the hardware to the ROLES), the method comprises identifying at least one software: component (**Using**, Chapter 6, Tasks) of the computing environment; and automatically generating an electronic document comprising an identification of each of the at least one software component (**Using**, note the different Ids in Figure 3-1 above), the electronic document comprising instructions for automatically reconstructing the computing environment on the first computing hardware or on other computing hardware (**Using**, upon receiving the work item the Applications perform specific tasks on them depending on the type of work item received the Application is configured – Chapters 6 and 7 cover this but also read WFT chapters 2 and 3 for a well written overview).

Claim 2

The method of claim 1, wherein the first computing hardware comprises a plurality of computers connected by a network (**Using**, chapter 8 , Deploying Editor for distributed workflow).

Claim 3

The method of claim 1, wherein a reconstruction of the computing environment from the electronic document installed (Interpretation – installed meaning flow between the workstations deployed) on other computing hardware is behaviorally equivalent to the computing environment installed on the first computing hardware (Interpreted to be multiple instantiates of a Node type in the object oriented tool from Template – the Application editor above teaches more than one machine of a specific type see Using 7-8 figure).

Claim 4

The method of claim 1, wherein the at least one software component comprises an operating system and an application. (**Using**, pages 2-4 to 2-7, support for different types of operating systems).

Claim 5

The method of claim 4, further comprising identifying at least one data file to be used by the application; and including in the electronic document a representation of each of the at least one data file (**Using**, pages 2-41 to 2-44 files are called cd files and WFT, page 2-16).

Claim 6

The method of claim 1 wherein the step of identifying at least one software component comprises identifying all software components installed on the first computing hardware. As per the rejection for claim 1 the Application is a ROLE within the Application are Tasks. The Applications with the Tasks are installed on hardware and Deployed in the distributed workflow system.

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Claim 7

The method of claim 6, wherein the first computing hardware comprises a plurality of computers connected by a network. As per the rejection for claim 1 the Deployment editor.

Claim 8

The method of claim 1, further comprising identifying a requirement for computing hardware, which the computing environment may be installed; and including in the electronic document constraint corresponding to the requirement. As per claim 1 the Task editor and Roles .

Claim 9

The method of claim 1. wherein the step of automatically generating the electronic document comprises: identifying at least one parameter of the computing environment for abstraction abstracting the at least one parameter. As per claim 1 the work item is an object objects inherently have attributes and methods.

Claim 10

The method of claim 1 . further comprising the step of storing the electronic document. As per claim 5 – cd files.

Claim 11

The method of claim 1 further comprising the step of compressing the electronic document. WFT, page 7-67, compacting your persistent stores.

Claim 12

The method of claim 1, further comprising the step of encrypting the electronic document (Train, page 7-9. last bullet)

Claim 13

The method of claim 10, further comprising the step of transmitting the electronic document remote location. As per claim 1 – Distributed workflow system and WFT 7-30 client server.

Claim 14

The method of claim 10, further comprising the step of replicating the stored electronic document. (Using, page 3-3, Junction – Copy).

Claim 15

A method for installing a computing environment on target computing hardware based on electronic document description of the computing environment, the method comprising obtaining an electronic document that contains a description of a computing environment t installed; reading the electronic document; identifying candidate computing hardware for installation of the computing environment; selecting the target computing hardware from the candidate computing hardware for installation of the computing environment; and installing least one

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software component on the target computing hardware in accordance with data contained in the electronic document. As per claim 1.

Claim 16

The method of claim 15, wherein the electronic document was previously abstracted from computing environment installed on original computing hardware and wherein the computing environment installed on the target computing hardware is behaviorally equivalent to the computing environment installed on the original computing hardware. As per claim 1 – work item.

Claim 17

The method of claim 15, wherein the step of obtaining an electronic document comprises t of receiving an electronic document from a remote location. As per claim 13.

Claim 18

The method of claim 15, wherein the step of obtaining an electronic document further inch receiving an instruction from a remote user location to retrieve a user specified electronic document from a storage location; and retrieving; the user-specified electronic document from, storage location. As per claim 1.

Claim 19

The method of claim 15, further comprising the step of installing at least one data file on the target computing hardware in accordance with data contained in the electronic document. As per claim 1 – Tasks.

Claim 20

The method of claim 15. wherein the step of selecting the target computing hardware comprises reading a set of hardware constraints from the electronic document; identifying as acceptable computing hardware each of the candidate computing hardware that satisfies the set of hardware constraints; and selecting the target computing hardware from the acceptable computing hardware as the target computing hardware. As per claim 8.

Claim 21

The method of claim 15, further comprising determining from the electronic document when the computing environment includes a parameter; and if the computing environment include parameter then performing the following: selecting a value for the parameter; and providing instantiated electronic document incorporating the value selected for the parameter. As per claim 9.

Claim 22

The method of claim 15, wherein the step of installing at least one software component includes determining whether an owner of the target computing hardware has rights to use the at le. software component; installing the at least one software component when the owner of the

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computing hardware has rights to use the at least one software component; and when the one of the target computing hardware does not have rights to use the at least one software component, performing the following: determining whether a provider of the electronic document has rights to use the at least one software component; retrieving executable code the at least one software component from a source when the provider of the electronic doc has rights to use the at least one software component; and installing the at least one software component on the target computer hardware when the provider of the electronic document rights to use the at least one software component. As per claim 1.

Claim 23

A system for creating an electronic document description of a computing environment comprising: first computing hardware whereon the computing environment is installed; and a processor in communication with the first computing hardware, wherein the processor is configured to identify a software component installed on the first computing hardware and to generate an electronic document that includes identification of the software component. As per claim 1.

Claim 24

The system of claim 23 wherein the processor is a component of the first computing hardware. As per claim 1.

Claim 25

The system of claim 23 wherein the processor communicates with the first computing hardware via a network. As per claim 2.

Claim 26

A system for installing a computing environment on target computing hardware in accord. with an electronic document description, the system comprising: a storage medium for storing one or more electronic documents, each of said one or more electronic documents contain description of a computing environment: a server connected to the storage medium for reading electronic documents and issuing instructions to install computing) environments in accord: with the electronic documents: candidate computing hardware whereon a computing environment may be installed. the target computing hardware being selected from the candidate computing hardware; and a communication path between the server and the candidate computer hardware. As per claim 1 also note in reference flows and routing.

Claim 27

The system of claim 26 wherein the communication path comprises a network. As per claim 2.

Claim 28

The system of claim 27 wherein the candidate computing hardware comprises a plurality computer systems. As per claim 1 – Deployment.

Claim 29

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The system of claim 28 wherein the server is configured to select as the target computing hardware a subset of the plurality of computer systems. As per claim 28.

Claim 30

The system of claim 29, wherein the server communicates with a remote user terminal via Internet. (Web, page 1-10).

Claim 31

The system of claim 30, wherein the target computing hardware communicates with the remote user terminal via the Internet. As per claim 30.

Claim 32

The system of claim 30 wherein the server is configured to receive from the remote user to an instruction to retrieve a user-selected electronic document from the storage medium and install a computing environment on target computing hardware in accordance with the use selected electronic document. As per claim 1 – Deployment.

Claim 33

The system of claim 30 wherein the server is configured to retrieve an electronic document the storage medium and to provide the retrieved electronic document to the remote user terminal. As per claim 1 – Application.

Claim 34

The system of claim 30 wherein the server is configured to receive an electronic document description of a computing environment from the remote user terminal and to store the record electronic document in the storage medium. As per claim 5 – CD files.

Claim 35

A computer-readable medium including instructions for creating a computing environment computer-readable medium including one or more instructions for identifying at least one software component on the computing environment; one or more instructions for association constraint on the use of the software component. As per claim 8.

Claim 36

The computer-readable medium of claim 35, wherein the at least one software component includes an operating system. As per claim 4.

Claim 37

The computer-readable medium of claim 35, wherein the constraint includes an indication hardware architecture under which the software component can execute. As per claim 8.

Claim 38

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A computer data signal embodied in a carrier wave comprising one or more instructions to identifying at least one software component of the computing environment; one or more instructions for associating a constraint on the use of the software component. As per claim 1.

Claim 39

The computer data signal of claim 38, wherein the at least one software component include operating system. As per claim 4.

Claim 40

The computer data signal of claim 38, wherein the constraint includes an indication of a hardware architecture under which the software component can execute. As per claim 8.

Response to Arguments

3. Examiner read the Applicant's arguments and determined the rejection needed for clarification. Examiner is quite aware the Applicant's invention is in the field of configuration management but the claim language reads like a workflow system. The non analogous art rejection was not an accident. Applicant's arguments are as follows:

"Rejection of Claims under 35 U.S.C. §102

Claims 1-40 stand rejected under 35 U.S.C.. §102(b) as being anticipated by Template Software's Workflow product. Applicants respectfully traverse this rejection.

In the rejection of claim 1, the Examiner relies on two manuals describing Template Software's Workflow product in the rejection of claims 1-40. The two manuals, "Developing a WFT Workflow System" (referred to herein as "WFT") and "Using the WFT Development Environment (referred to herein as "Using"). These manuals, even when considered as a single reference (which Applicants, in fact, argue is not the case), clearly fail to anticipate, teach, or suggest claim 1.

Claim 1 recites: "A method for creating an electronic document description of a computing environment installed on first computing hardware, the method comprises identifying at least one software component of the computing environment; and automatically generating an electronic document containing an identification of each of the at least one software component, the electronic document comprising instructions for automatically reconstructing the computing environment on the first computing hardware or on other computing hardware."

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Template Software's Workflow System teaches a workflow system, which "consists of tasks, work items that are routed among tasks, and facilities for monitoring and managing the flow of work items' through the system. The Workflow Template (WFT) provides predefined workflow system elements, an integrated development environment, and the tools you need to build a workflow system." WFT, page 2-2.

In the rejection of claim 1, the Examiner appears to equate the "work item" taught in Using and WFT with the "electronic document" recited in claim 1. A work item is defined in the reference to be: "the information processed by a task; a collection of one or more work item objects that is delivered as input to a task" (WFT, page 2-11). Thus, a work item is information that is processed by a task. In contrast, the electronic document of claim 1 is information that identifies at least one software component. Accordingly, the work item taught in WFT clearly does not anticipate the electronic document of claim 1. In particular, the work item taught in the reference does not contain identification of at least one software component that has been identified within a computing environment. Furthermore, no other portion of the cited reference teaches or suggests such an electronic document."

Examiner's Response

The "work item" in the Template reference is an object which is distributed. The "work item" object is an "electronic document". The identification of a software component is referring to the name of TASK(s). The claim is so broad it really does not limit itself to configuration management.

Applicant's Argument

"Additionally, the cited reference fails to teach or suggest "identifying at least one software component of the computing environment", as recited in claim 1. The Examiner cites Chapter 6 of Using as teaching this feature of Applicants' claims. Chapter 6 "describes the tools, menus, and other mechanisms that the Task Editor provides for editing tasks and forms of your workflow system." Using, page 6-1. Tasks are defined as the "smallest significant unit of work activity within a business process; a point in a workflow system where work items are created, processed, or destroyed." Using, page 6-S. A unit of work activity neither teaches nor suggests a software component, or the identification of such a software component. Accordingly, the reference clearly fails to teach or suggest "identifying at least one software component of the computing environment.""

Examiner's Response

Applicant's attempt to refer to a task as something other than a software component is very objectionable. A task is a software component. And yes tasks perform operations, the "smallest significant unit of work" is part of breaking down problems into smaller software components to make them re-useable. The definition Applicant recited is on page 6-5. To go from definitions to understanding the product on page 6-6 the tasks are under the word SELECT in Figure 6-1. See the works Create and Receive. These are software components. In fact the "Design Hierarchy box on the left is where they are dragged from and to the visual model in the working area of Figure 6-1. The programmer is in fact selecting which tasks each ROLE (APPLICATION) can perform. These task are certainly software components. Go from the design time to the run time which is more like the claim language. and one can visualize the

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work items identifying the software components using what is called messaging in Object oriented programming.

Applicant's Argument

"Furthermore, Applicant's representative was unable to find any teaching or suggestion relating to "identifying at least one software component" of a computing environment in the 86 pages (Chapter 6) cited by the Examiner. Applicant notes that, under 37 C.F.R. §1.204(c)(2), "The examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." Pursuant to 37 C.F.R. §1.104(c)(2), Applicant respectfully request that the Examiner more clearly point out which portion of Chapter 6 is being relied upon in the rejection of claim 1."

Examiner's Response

Chapter Six is the TASK Editor. With the understanding that a task is a "smallest significant unit of work" and a task is a software component that must be identified so the next operation can be performed on the work item. The Applicant may better understand the rejection. It is also important to note that Tasks run on nodes which are distributed. Work item objects are send between nodes to have tasks performed on them. this requires both the identification of the machine (Application) and the software component (Task) to be run.

Applicant's Argument

"The cited reference also fails to teach or suggest an "electronic document comprising instructions for automatically reconstructing the computing environment", as recited in claim 1. The Examiner cites Chapters 6 and 7 of "Using", as well as Chapters 2 and 3 of "WFT", and states that "upon receiving the work item the Applications perform specific tasks on them depending on the type of work item received the Application is configured." Applicant notes that performing specific tasks upon a work item, based on the type of work item received, clearly fails to teach or suggest "an electronic document comprising instructions for automatically reconstructing the computing environment", as recited in claim 1. Furthermore, Applicant's representative was unable to find any such teaching or suggestion in the cited portions of the reference (which total 128 pages). Again, pursuant to 37 C.F.R. § 1.104(c)(2), Applicant respectfully request that the Examiner more clearly point out which portion of the reference is being relied upon in this portion of the rejection of claim 1."

Examiner's Response

By definition an object is attribute (data) and the operations to perform operations on that data. When an APPLICATION (ROLE) receives a work item and tasks (software components) are identified to be performed. The work item being an object and logic can be considered to reconstruct the computing environment in the broadest reasonable interpretation. Looking at Figure 6-1 each Requisition in a business is not the exact same. The work item (electronic document) when passed from one ROLE to another will perform a form of reconstruction. Different operations needed to be preformed based on the information.

Applicant's Argument

“For at least the above reasons, claim 1 is patentable over the cited references. Claims 2-40 are also patentable for similar reasons.”

Examiner's Response

For the same reasons the arguments are not persuasive.

Conclusion

4. Applicant's request for clarification was legitimate. Clarification has been added. This action is non final.

Correspondence Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is **(571) 272-3723** (as of October 23, 2004).

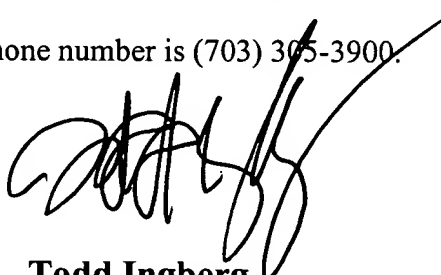
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on **(571) 272-3719**. Please, note that as of August 4, 2003 the **Official FAX number** changed to **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Todd Ingberg
Primary Examiner
Art Unit 2124
December 12, 2004